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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,349	04/12/2001	Oliver Gottschalt	A-2794	3798

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EXAMINER

EVANISKO, LESLIE J

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/833,349

Applicant(s)

GOTTSCHALT ET AL.

Examiner

Leslie J. Evanisko

Art Unit

2854

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/11/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group II, claims 5-11 in Paper No. 10 is acknowledged.
2. Claims 1-4 and 12-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

***Claim Rejections - 35 USC § 103***

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery et al. (US 5,947,028) in view of Leanna et al. (US 4,116,594). Montgomery et al. teach an imaging assembly comprising a printing plate and an imaging machine for setting an image on the printing plate, the printing plate being formed of a magnetically attractable material (i.e., steel), and the imaging machine including a magnetic cylinder for magnetically holding the printing plate firmly during setting of an image thereon are well known in the art. See column 1, lines 13-24 in particular. Although Montgomery et al. is silent with respect to the particular details of the magnetic drum and whether the magnetic material in the cylinder includes one of a permanent magnet and electromagnet, the use of a magnetic drum **14**, **14'**, **14''** having a plurality of permanent magnets along the surface for holding a printing/embossing plate **16**, **16'**, **16''** comprised of a magnetic material is well known in the art, as exemplified by Leanna et al. in column 5, lines 1-7 and Figures 3 and 15 in particular. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the cylinder of Montgomery et al. with at least one permanent magnet as taught by Welch, Jr.

et al. to provide a plate that is to be imaged to be releasably fastened along the entire circumference of the drum.

Furthermore, although Montgomery et al. is silent with respect to the particular details of the magnetic drum and whether the drum includes a register system for aligning the printing plate with U-shaped register cut-outs, note that Leanna et al. teach a magnetic printing/embossing drum for holding a magnetic plate including a plurality of register pins **57**" for cooperating with U-shaped cut-outs **56**" in the plate **16**", as described in column 6, lines 49-53 in particular. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the cylinder of Montgomery et al. with a register system as taught by Welch, Jr. et al. to aid in positioning or registering the plate on the cylinder.

With respect to claim 7, note Montgomery et al. teach the use of clamps (both magnetic and mechanical) in combination with steel plates on magnetic drums in column 1, lines 22-24.

With respect to claim 8, note that Leanna et al. teaches a cylinder using magnets that are permanent magnets, as set forth in column 5, lines 1-7.

With respect to claims 9-11, to the extent that applicant has recited any particular structure of the various imaging machines recited, note that Montgomery et al. teach an imaging machine which can broadly be considered to be any one of a "plate-exposing", "plate-developing", or "plate-engraving" machine. See column 1, lines 13-24 in particular.

***Response to Arguments***

6. Applicant's arguments with respect to claims 5 and 7-11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone


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number is **(703) 308-0786**. The examiner can normally be reached on M-Th  
7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the  
examiner's supervisor, Andrew H. Hirshfeld can be reached on (703) 305-6619.  
The fax phone numbers for the organization where this application or  
proceeding is assigned are (703) 308-7722 for regular communications and  
(703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this  
application or proceeding should be directed to the receptionist whose  
telephone number is (703) 308-0956.

  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
November 20, 2003